2012 - 0153

AMENDMENT No. 1

HAITI RECONSTRUCTION GRANT AGREEMENT (HRGA)

BETWEEN

THE GOVERNMENT OF THE UNITED STATES OF AMERICA

AND

THE GOVERNMENT OF HAITI

DATED: September 16, 2011

AMENDMENT No. 1

ACCORD DE DON RELATIF A LA RECONSTRUCTION D'HAITI

ENTRE

LE GOUVERNEMENT DES ETATS-UNIS D'AMERIQUE

ET

LE GOUVERNEMENT D'HAITI

DATÉ DU : 16 septembre 2011

AMENDMENT NUMBER 1 dated September 16, 2011, to the Haiti Reconstruction Grant Agreement between the Government of the United States of America, acting through the United States Agency for International Development, hereinafter referred to as **"USAID,"** and the Government of Haiti, acting through the Ministry of Planning and External Cooperation, hereinafter referred to as the **"Grantee."**

WHEREAS, the Grantee and USAID (collectively, the "Parties") entered into a Haiti Reconstruction Grant Agreement "HRGA" dated May 13, 2011 ("the Agreement");

WHEREAS, to achieve the Pillars of the HRGA, USAID's total contribution was estimated at One Billion Three Hundred Seventy-Eight Million Eight Hundred Seventy-Seven Thousand US Dollars ($1,378,877,000), which will be provided in increments subject to the availability of funds to USAID for this purpose and the mutual agreement of the Parties to proceed at the time of each subsequent increment to this Agreement;

WHEREAS, the Parties desire to amend this Agreement to:

1. Increase the amount of the USAID Grant to-date by adding Forty-Five Million Eight Hundred Forty-Eight Thousand Six Hundred Eighty-Seven U.S. Dollars (US$45,848,687) allotted to the following Pillars as defined in Annex 1:

AMENDEMENT NO. 1, daté du 16 septembre 2011, de l'Accord de Don Relatif a la Reconstruction d'Haïti entre Le Gouvernement des Etats-Unis d'Amérique, agissant par le biais de l'Agence Américaine pour le Développement International, ci-après dénommée la « **USAID** », et le Gouvernement Haïtien, agissant par le biais du Ministère de la Planification et de la Coopération Externe, ci-après dénommé le « **Bénéficiaire** ».

CONSIDERANT QUE, le Bénéficiaire et l'USAID, (collectivement dénommé, les « Parties ») ont signé un Accord de Don Relatif a la Reconstruction d'Haïti Portant sur la Stratégie de Pays daté du 13 mai 2011 (« l'Accord »);

CONSIDERANT QUE, pour atteindre les Pilliers poursuivis dans le cadre de l'Accord de Don Relatif a la Reconstruction d'Haïti, la contribution totale estimée a été approuvée comme étant de Un Milliard Trois Cent Soixante Dix Huit Millions Huit Cent Soixante Dix Sept Mille Dollars Américains ($US1,378,877,000), qui sera fournie par tranche selon la disponibilité des fonds fournis a l'USAID à cette fin et suivant l'accord mutuel des Parties lorsqu'il s'agira d'effectuer chacun des versements subséquents dans le cadre dudit Accord;

CONSIDERANT QUE, les Parties désirent amender le présent Accord pour:

1. Augmenter le montant du Don a date de l'USAID en ajoutant Quarante Cinq Millions Huit Cent Quarante Huit Mille Six Cent Quatre Vingt Sept Dollars U.S. (US$45.848.687) alloué au différents Piliers tel que défini à l'Annexe 1:

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a. Providing Pillar C, the Health and Other Basic Services Pillar, with Thirty-Six Million One Hundred Fifty-Eight Thousand Two Hundred Sixty Eight U.S. Dollars (US$36,158,268) for HIV/AIDs and Disabilities activities;

b. Providing Pillar D, the Governance and Rule of Law Pillar, with Two Million Three Hundred Eighty-Eight Thousand Four Hundred Sixty-One U.S. Dollars (US$2,388,461) for elections; and

c. Providing the Program Development and Program Administrative Costs: Seven Million Three Hundred One Thousand Nine Hundred Fifty-Eight U.S. Dollars (US$7,301,958).

2. Re-allocate the budget between Pillars A and B as follows:

a Increasing Pillar A, Infrastructure and Energy, by Nineteen Million Twenty Thousand U.S. Dollars (US$19,020,000).

b Decreasing Pillar B, Food and Economic Security, by Nineteen Million Twenty Thousand U.S. Dollars (US$19,020,000).

WHEREAS, the Parties desire to update Annex 3, USAID's Financial Plan and Obligation Budget, to show a new total USAID contribution to-date obligated under the Agreement of Six Hundred Two Million Five Hundred Thirty-Nine Thousand Two Hundred Sixty-Four U.S. Dollars (US$602,539,264).

a. Portant au Budget alloué au Pilier C, la Sante et Autres Services de Base Trente Six Millions Cent Cinquante Huit Mille Deux Cent Soixante Huit Dollars U.S. ($US36.158.268) pour le financement d'activités de HIV/AIDs et des Handicapés;

b. Portant au Budget alloué au Pilier D Gouvernance et Etat de Droit, Deux Millions Trois Cent Quatre Vingt Huit Mille Quatre Cent Soixante et Un Dollars U.S. ($US2.388.461) pour le financement d'activités liées aux élections; et

c. Alloué aux Couts Administratifs et de Développement de Programme : Sept Millions Trois Cent Un Mille Neuf Cent Cinquante Huit Dollars U.S. ($US7.301.958).

2. Alloue du budget entre les Piliers A et B comme suit:

a Augmenter au Budget alloue au Pilier A, Infrastructure et L'Energie, Dix Neuf Millions Vingt Mille Dollars U.S. ($US 19.020.000)

b. Réduire du Budget alloue au Pilier B, La Sécurité Alimentaire et Economique Dix Neuf Millions Vingt Mille Dollars U.S. (US$19.020.000).

CONSIDERANT QUE, les Parties désirent actualiser l'Annexe 3, Budget d'Obligation de l'USAID, pour y porter un nouveau total de contributions obligées à date dans le cadre de l'Accord de Six Cent Deux Millions Cinq Cent Trente Neuf Mille Deux Cent Soixante Quatre Dollars U.S. ($US602.539.264).

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NOW, THEREFORE, the Agreement is amended as follows:

ARTICLE 7. Special Covenants

Add to section 7.5 of the Special Covenants

Construction. Because of U.S. laws and regulations regarding the sustainability of infrastructure projects, USAID must provide separate written approval and justification for any infrastructure project that exceeds One Million U.S. Dollars (US$1,000,000.00).

ARTICLE 3. Contributions of the Parties.

Section 3.1. (a) The Grant.
The Agreement is amended by deleting Section 3.1.(a) in its entirety and replacing it with the following:

(a) The Grant. To help achieve the Pillars set forth in this Agreement, USAID, pursuant to the Foreign Assistance Act of 1961, as amended, hereby grants to the Grantee under the terms of the Agreement an additional amount of $45,848,687. This increment increases the total USAID Grant to-date for each particular Pillar not to exceed:

PILLAR A - INFRASTRUCTURE AND ENERGY: Two Hundred Eighty-Three Million Six Hundred Fifty-Three Thousand Five Hundred Seventy-Seven US Dollars ($283,653,577);

PILLAR B - FOOD AND ECONOMIC SECURITY: Seventy-Two Million Seven Hundred Twenty-Six Thousand US Dollars

PAR CONSEQUENT, l'Accord est amendé comme suit:

Article 7. Conventions Spéciales

Ajouter a la section 7.5 des Conventions Spéciales

Construction. Conformément aux dispositions des lois et procédures des Etats-Unis relatives à la viabilité des projets d'infrastructure, l'USAID devra autoriser et justifier à l'écrit tout projet d'infrastructure excédant un montant de Un Million de Dollars (US $ 1.000.000,00).

ARTICLE 3. Contributions des Parties.

Section 3.1. (a) Le Don.
L'Accord est amendé en éliminant la Section 3.1 (a) dans sa totalité et en le remplaçant par ce qui suit:

(a) Le Don. En vue d'aider à atteindre les Piliers poursuivis dans le cadre du Présent Accord, l'USAID, conformément au «Foreign Assistance Act» de 1961, tel qu'amendé, ici octroie au Bénéficiaire, aux termes de cet Accord, un montant additionnel de US$45.848.687 pour chacun des Pilliers spécifiques ne dépassant pas les montants suivants:

PILIER A - INFRASTRUCTURE ET ENERGIE : Deux Cent Quatre Vingt Trois Millions Six Cent Cinquante Trois Mille Cinq Cent Soixante Dix Sept Dollars Américains ($283.653.577);

PILIER B - SECURITÉ ALIMENTAIRE ET ECONOMIQUE : Soixante Douze Millions Sept Cent Vingt Six Mille Dollars Américains

($72,726,000);

($72.726.000);

PILLAR C - HEALTH AND OTHER BASIC SERVICES: One Hundred Thirty Five Million One Hundred Seventy-Three Thousand Two Hundred Sixty-Eight US Dollars ($135,173,268);

PILIER C - SANTE ET AUTRES SERVICES DE BASE : Cent Trente Cinq Millions Cent Soixante Treize Mille Deux Cent Soixante Huit Dollars Américains ($135.173.268) ;

PILLAR D - GOVERNANCE AND RULE OF LAW: Seventy-Four Million Five Hundred Eighty-Eight Thousand Four Hundred Sixty-One US Dollars ($74,588,461);

PILIER D - GOUVERNANCE ET ETAT DE DROIT : Soixante Quatorze Millions Cinq Cent Quatre Vingt Huit Mille Quatre Cent Soixante Un Dollars Américains ($74.588.461);

PROGRAM DEVELOPMENT AND PROGRAM ADMINISTRATIVE COSTS: Thirty-Six Million Three Hundred Ninety Seven Thousand Nine Hundred Fifty-Eight US Dollars ($36,397,958).

DEVELOPPEMENT DU PROGRAMME ET COUTS ADMINISTRATIFS DU PROGRAMME : Trente Six Millions Trois Cent Quatre Vingt Dix Sept Mille Neuf Cent Cinquante Huit Dollars Américains ($36.397.958).

Annex 3. USAID Financial Plan and Obligation Budget.

Annexe 3. Budget Financier et d'Obligation de l'USAID.

The USAID Financial Plan and Obligation Budget included in Annex 3 to this Agreement substitutes entirely for the Financial Plan and Obligation Budget approved under the HRGA.

Le Plan Financier et Budget d'Obligation de l'USAID, inclus à l'Annexe 3 de cet Accord remplace dans sa totalité le Plan Financier et Budget d'Obligation approuvé dans le cadre de l'Accord HRGA.

Except as amended herein, the Agreement between the Governments of the United States and Haiti, dated May 13, 2011 as amended, remains in full force and effect.

Sauf tel qu'amendé dans la présente, l'Accord intervenu entre les Gouvernements des Etats-Unis d'Amérique et de la République d'Haïti, daté du 13 mai 2011, tel qu'amendé demeure en vigueur et de plein effet.

IN WITNESS THEREOF, the United States of America and the Grantee, each acting through its duly authorized representatives, have caused this Agreement to be signed in two (2) originals in their names and delivered as of the day and year first above written.

EN FOI DE QUOI, le Gouvernement des Etats-Unis d'Amérique et le Bénéficiaire, chacun agissant par l'intermédiaire de leur représentant, dûment autorisé, signeront en leur nom le présent Accord qui sera émis en doubles originaux le jour et an que dessus.

UNITED STATES OF AMERICA

By: Carleene Dei

Name: Carleene Dei

Title: Director, USAID/Haiti

GOUVERNEMENT D'HAITI

Par: Bellerive

Nom: Jean-Max Bellerive

Titre: Ministre de la Planification et de la Coopération Externe

Pillar A	**19,020,000.00**		
4.4.3	19,020,000.00	2010/2012 ES-SUP	A17; A071
Pillar B	**(19,020,000.00**		
4.4.3	(19,020,000.00)	2010/2012 ES-SUP	A17; A071
4.5.2	4,750,000.00	2010/2012 ES-SUP	A18; A074
4.5.2	(4,750,000.00)	2010/2012 ES-SUP	A18; A074
Pillar C	**36,158,268.00**		
3.1.1	33,905,564.00	GH-H-X/2011	A11; A047
3.3.2	35,000.00	2010/2011 ES	A13; A058
3.3.2	750,000.00	2010/2011 GH-C	A13; A058
3.3.2	1,467,704.00	2010/2011 DV	A13; A058
Pillar D	**2,388,461.00**		
2.3.2	2,388,461.00	2011/2012 ES-521	A09; A041
Program Development and Program Administrative Costs 7,301,958.00			
6.1.1	300,000.00	2010/2011 ES-T	A26; A140
6.1.1	1,068,100.00	GH-H-X/2011	A26; A140
6.2.1	63,565.00	2010/2012 ES-SUP	A27; A141
6.2.1	196,500.00	2010/2012 ES-SUP	A27; A141
6.2.1	2,849,954.00	2010/2012 ES-SUP	A27; A141
6.2.1	3,090.00	2010/2011 ES-521	A27; A141
6.2.1	2,545,000.00	GH-H-X/2011	A27; A141

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6.2.1	275,749.00	FD-X-SUP/2011	A27; A141

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EOCC 410000

Funds Available: $45,848,687

Peter Klosky
Controller/FM

Date: 16 Sept 11

- Date 09/16/11
- Fund cite Coding
- Funds Available ✓ or Verified
- Amount $45848687 Currency US$
- Accounting Level Bilateral Commitment
- Printed Name [illegible] Initials [illegible]

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ANNEX 3: FINANCIAL PLAN AND OBLIGATIONS

HAITI RECONSTRUCTION GRANT AGREEMENT (HRGA)
FY 2011 - 2014

Pillar / Activity		Previous Obligation	This Obligation	Total Amount Obligated to Date	Total Estimated Remaining Obligations	Total Planned USAID Contribution
		FY 2010/2012 ESF SUP				
Pillar A	Infrastructure and Energy	264,633,577	19,020,000	283,653,577	73,568,423	357,222,000
	Shelter	59,761,000	-	59,761,000	-	59,761,000
	Energy	138,182,577	-	138,182,577	73,568,423	211,751,000
	Ports	66,690,000	19,020,000	85,710,000	-	85,710,000
Pillar B	Food and Economic Security	91,746,000	(19,020,000)	72,726,000	338,890,000	411,616,000
	Infrastructure for Agricultural Sector	56,455,000	(14,270,000)	42,185,000	55,501,000	97,686,000
	Ag. Services and Inst. Strengthening	8,987,000	-	8,987,000	-	8,987,000
	Rural Economic Growth and Development	7,152,000	(4,750,000)	2,402,000	136,596,000	138,998,000
	Market Access and Value Chains	4,343,000	-	4,343,000	-	4,343,000
	Natural Resource and Management	14,809,000	-	14,809,000	61,061,000	75,870,000
	Macro Economic Foundation for Growth				35,715,000	35,715,000
	Financial Sector				7,758,000	7,758,000
	Private Sector Competitiveness				27,017,000	27,017,000
	Economic Opportunity				15,242,000	15,242,000
Pillar C	Health and Other Basic Services	99,015,000	36,158,268	135,173,268	239,662,732	374,836,000
	Health	89,515,000	33,905,564	123,420,564	203,410,732	326,831,296
	People with Disabilities	9,500,000	2,252,704	11,752,704	-	11,752,704
	Education	0	-	-	36,252,000	36,252,000
Pillar D	Governance and Rule of Law	72,200,000	2,388,461	74,588,461	73,218,539	147,807,000
	Rule of Law and Human Rights	13,593,000	-	13,593,000	35,301,000	48,894,000
	Public Institutions & Civil Society	58,607,000	2,388,461	60,995,461	36,967,539	97,963,000
	Disaster Readiness	-	-	-	950,000	950,000
				-		
	Program Development and Program Administrative Costs	29,096,000	7,301,958	36,397,958	50,998,042	87,396,000
	Program Design and Learning	10,758,000	1,368,100	12,126,100	8,633,604	20,759,704
	Administration and Oversight	18,338,000	5,933,858	24,271,858	42,364,438	66,636,296
	TOTAL	556,690,577	45,848,687	602,539,264	776,337,736	1,378,877,000